

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **LeRoy W. Tilt IV and  
Matthew B. Trevathan**

Confirmation No.: **8815**

Serial No.: **09/823,331**

Examiner: **James Lee Brown**

Filed: **March 30, 2001**

Group Art Unit: **2144**

For: **METHOD AND APPARATUS FOR  
SERVER SIDE QUEUING TO  
CONTROL PAGE PRESENTATION ON  
WEB ENABLED DEVICES**

Attorney Docket No.  
**RSW9-2001-0019-US1**

---

**FILED ELECTRONICALLY**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF IN APPEAL BEFORE BOARD  
OF PATENT APPEALS AND INTERFEENCES**

Sir:

Except for the Response to Argument section, the Examiner's Answer appears to be a virtually verbatim copy of the Final Office Action in this case. Accordingly, Appellant has already addressed most of the issues raised therein in its original Appeal Brief.

In fact, most of the Response to Argument section also is a virtually verbatim copy of text from the Final Office Action. Nevertheless, some of it is new. Furthermore, some of the repeated arguments in the Response to Argument merit further discussion.

**I. Points 1-3 of the Response to Argument Section of the Examiner's Answer**

In the first three bullet points of the Response to Argument section, the Examiner addresses Appellant's arguments that (1) Krishnan does not teach "supplemental files" in any context, (2) Krishnan does not disclose "indicates an order", and (3) Krishnan fails to disclose a technique for setting an order for serving supplemental files. In response, the Examiner notes that (1) he is relying on Anders, not Krishnan for teaching supplemental files, (2) he is relying on column 3, line 45 to column 4, line 9 of Krishnan for disclosing "indicates an order", and (3) he is relying on Krishnan merely for "indicates an order".

These responses clearly indicate that the Examiner has missed the point of Appellant's arguments. Appellant's point is essentially that the Examiner's reliance on Krishnan as teaching "indicates an order" is senseless. The phrase "indicates an order" entirely disembodied from any context, as it is in this rejection, is meaningless and utterly irrelevant to this appeal. The Examiner might as well have cited a book having page numbers as "indicating an order" and it would have no more relevance to the present invention than Krishnan. Furthermore and in any event, Appellant simply cannot find what it is that the Examiner believes is in this section of Krishnan that has anything to do with indicating the order of anything.

The Appellant's point is that, even if Krishnan disclosed indicating an order of something, it still would be irrelevant if it was not an order for serving supplemental files over a network. For instance, a person of skill in the related arts having knowledge of (1) Anders's disclosure of supplemental files and (2) a book having page numbers, would not lead anyone to the present invention. The proposed combination of Anders

and whatever indicator of order that the Examiner thinks is disclosed in Krishnan suffers from at least the same problem.

**II. Point 4 of the Response to Argument Section of the Examiner's Answer**

In the fourth bullet point of the Response to Argument section, the Examiner addresses Appellant's argument that the offered motivation for the proposed combination of features is improper. The Examiner's response is simply a verbatim quotation of the Examiner's response with respect to this issue contained in the Final Office Action. Particularly, the Examiner asserts that it would have been obvious to make the proposed combination "to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group".

Appellant, of course, has already addressed this issue in its Appeal Brief. However, it bears repeating in the context of the propriety of the proposed combination that, to whatever extent Krishnan might "indicate an order" of something unrelated to supplemental files in a web page, it cannot reasonably be deemed to suggest the present invention in combination with Anders any more than a book with page numbers could be considered to be properly combinable with Anders to suggest the present invention.

**III. Last Point of the Response to Argument Section of the Examiner's Answer**

In the fifth bullet point in the Response to Argument section of the Examiner's Answer, the Examiner purports to address Appellant's argument that Anders "does not

have a sequence number". The Examiner asserts that Anders discloses a sequence number in column 11, lines 6-22. This section of Anders indicates that the interleaver 218 writes object data into the data stream 190 for those objects having a lower sequence number prior to the object data for those objects having a higher sequence number.

This portion of Anders refers to the "user supplied display sequence information" referred to numerous times in Appellant's Brief. Column 10, lines 37-41 and column 11, lines 43-46.

The Examiner has missed Appellant's point once again. Appellant's point is not that there is no sequence number in Anders. Rather, Appellant's point is that, in Anders, there is no sequence number in the web page itself. Specifically, Appellant argued:

Thus, in Anders, there is nothing that resembles the sequence number attribute embedded within the tag referencing the supplemental file. The server does not parse the web page code being sent to the client to detect the sequence numbers . . . . The information dictating the order is not embedded within the main web page itself, as claimed, but is separately supplied by the publisher and the publisher 210 dictates the order "by virtue of creating the data stream". Thus, while Anders technology does permit the server to dictate the order in which supplemental files are delivered to the browser, it does so in a way that is entirely different than what is claimed in the present application.

#### **IV. Points 5 of the Response to Argument Section of the Examiner's Answer**

Finally, in the last bullet point of the Response to Argument section of the Examiner's Answer, the Examiner addresses Appellant's argument that Anders fails to disclose the limitation of Claim 1 of "parsing the code comprising the requested page to detect data within the code that indicates an order in which said supplemental files are to be served, said order data comprising data other than the order in which said

supplemental files appear in said code defining said web page". Specifically, the Examiner asserted that Anders does teach this in column 10, lines 1-16, 37-40 and 52-62 where it discloses that a stream configurator parses the web page to identify references to objects and their locations within a page, and that display information is supplied by the designer.

It is this last phrase, i.e., that "display sequence information is supplied by the designer", that the Examiner fails to appreciate. Specifically, this very phrase that the Examiner uses himself expressly states that the display sequence information is not in the web page, but is separately supplied by the designer.

Claim 1 recites "A method for serving a web page to the requesting client" comprising "parsing the code comprising the requested page to detect data within the code that indicates an order in which said supplemental files are to be served, said order data comprising data other than the order in which said supplemental files appear in said code defining said web page" followed by constructing a queue indicating said order, serving said code to said requesting client, and serving said supplemental files to said client in said order indicated in said queue.

It is not seen how Anders' server could be deemed to perform these steps. In Anders, the information as to the order of the serving of a supplemental file is not stored in the web page, but is separately provided by the designer.

**V. Conclusion**

For the foregoing reasons, Appellant respectfully requests the Board to reverse the rejection of all pending claims.

Respectfully submitted,

April 2, 2007

/Theodore Naccarella/  
Theodore Naccarella,  
Reg. No. 33,023  
Synnestvedt & Lechner LLP  
1101 Market Street; Suite 2600  
Philadelphia, PA 19107-2950

Tele: (215) 923-4466  
Fax: (215) 923-2189

TXN:pmf